

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARCUS McADORY,

Plaintiff,

Case no. 07-13192

HON. JOHN CORBETT O'MEARA

v.

MICHAEL R. ENGELSGJERD, et al.,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

The court having reviewed the February 11, 2010 report and recommendation filed by Magistrate Judge Paul J. Komives, as well as Defendants' objections filed February 26, 2010, and being fully advised in the premises;

IT IS HEREBY ORDERED that the report and recommendation is accepted and adopted by this court.

IT IS FURTHER ORDERED Defendants CMS and Hutchinson's motion to dismiss for lack of exhaustion is DENIED.

s/John Corbett O'Meara

United States District Judge

Date: March 23, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, March 23, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz

Case Manager